REMARKS / ARGUMENTS

Claims 17, 18, 23-28, 30-32, 36, 37, 41-44, 48-51, 53, 58, and 59 are now pending. The Examiner objects that the previously presented claims include new limitations and no explanation of how those limitations are supported by the original disclosure has been provided. The explanation follows below.

We address first the limitation in claims 17, 26, 37, 44, and 58 which essentially states: "determining an open position requiring at least one qualification, sorting the employees in the data base into those having the qualification and those not having the qualification, and simultaneously notifying those employees in the database having the qualification". That the system receives qualification information and selects employees for notification based on whether or not they have the qualification is explained in the following sections:

page 8 lines 18 – 19 ("to all (not rejected) qualified personnel");

page 15 lines 10 – 11 ("the absence information is confirmed and then distributed immediately to all available and qualified substitutes");

page 16 lines 13 – 17 ("Filters on the online ASP database system 100 match substitute preferences to jobs. For example, if substitute teacher 10, wishes only to work with elementary age children, available secondary jobs are not displayed to that substitute on their browser. Job openings will not show on the substitute's browser if the substitute is rejected by the absent employee 50.");

page 17 lines 4 – 5 ("Option 30 gives the substitute teacher 10 a place to edit their user profile and parameters including days of the week that they are not available to work."); and

page 18 lines 8 – 12 ("Dispatching 130 automatically receives new absence information 60, filters rejected substitutes, and immediately distributes the absence information to each qualified substitute client web site. The system also filters client request for job openings, validates substitute qualifications and availability (conflicts with

other assignments), assigns the position to the first submitting substitute and returns a confirmation number for future audit.").

Second, we address the following limitations in claim 51: "A real time method for receiving vacant position reports and notifying an employee in an employee database without delay, comprising: having an employee database with records of employees containing qualifications of the employees, having a position database with information about a plurality of positions and qualifications for the positions, providing a computer network interface to the position database that allows a vacant position to be posted in real time, without substantial delay, using a computer with a connection to the network and in response to receiving a vacant position posted at the interface, without substantial delay, finding a record of at least one employee in the database having qualifications that meet the qualifications of the vacant position and directing a notification to an address in the record of the at least one employee." These limitations are supported by the passages cited above as well as by page 8 line 9; and page 9 lines 11 – 13.

Finally, the recitation in claim 25, "receiving a notification indicating acceptance of an open position by an employee, and simultaneously notifying each employee having a corresponding qualification in the database that matches the qualification required by the open position that the position has been filled" is supported by the above cited provisions as well as:

page 6 lines 16 – 17 ("Once a particular assignment has been filled, it is removed from the open jobs list."); page 5 line 19 – page 6 line 1 ("Substitute teachers or temporary employees ... have access 24/7 to jobs that match their qualifications"); and page 16 line 17 – page 17 line 3 ("The system immediately returns a confirmation number to the substitute and removes the job from the available jobs list. If another substitute has already selected that job, a notice is returned with directions for the substitute to select another open position.")

The Examiner correctly notes that claim 59 includes an error. The Examiner is correct that the reference to "claim 51" should be a reference to "claim 58". This has been corrected in the above set of amended claims.

Rejections Based on Prior Art

Claims 17 – 59 stand rejected under §103 as unpatentable over Thompson in view of Mitsuoka. To overcome this rejection, the applicant has amended each of the independent claims to add an additional limitation like the limitation of claims 19, 29, 40, 47, and 52. These limitations all focus on the method of notifying potential employees for particular jobs with information about a job opening. All of the independent claims now include a limitation that the notification is accomplished by posting the information on a web page accessible to client computers with browser programs across a network where a user at the client computer has entered a pass code (log-on code) to identify the user. The pass code allows access to the web page if it matches the correct pass code associated with the user in the database. This feature of the invention is discussed in the application on page 5 line 15 - page 6 line 9, page 10 lines 11 – 17, and page 16 line 10 – page 17 line 3.

This method of notifying prospective employees is not suggested by either Thompson or Mitsuoka. Thompson discloses making job opening information available via a web site interface but does not disclose that access to the web site might be restricted with a required pass code or that there might be a multiplicity of web site pages so that different employees have access to different information. Although Thompson discloses the association of a personal identification number with each worker, which number could be used as a pass code or log-in code, Thompson does not suggest that this code might be used to allow the worker access via a web site to information directed to that worker and not directed to all workers.

The claimed method of directing job opening information to selected workers by creating a custom web page for each worker listing the job openings available to that worker is a major advantage over the prior art methods of notifying prospective employees as disclosed by Thompson and Mitsuoka. The inventors of the Thompson and Mitsuoka systems were aware of potential uses of the Internet, web browsers, and web sites. However, none of these designers conceived of using this technology as a means of communicating individualized information to each potential worker. If this communication method were obvious when the Mitsuoka or Thompson systems were

designed, the inventors of those systems would have included the features of the present invention.

CONCLUSION

In light of the foregoing, claims 17, 18, 23-28, 30-32, 36, 37, 41-44, 48-51, 53, 58, and 59 are in condition for allowance, and that action is respectfully requested.

If the examiner or the examiner's supervisor believes that an interview might be effective to achieve allowance of claims as soon as possible, a telephone interview is requested and can be scheduled at the soonest possible time for the examiner and supervisor.

In the event an additional fee is due for this Response, you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

Respectfully submitted,

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